

Bill Number: SB 165
Scott D. Shellenberger, State's Attorney for Baltimore County
Opposed

WRITTEN TESTIMONY OF SCOTT D. SHELLENBERGER,
STATE'S ATTORNEY FOR BALTIMORE COUNTY,
IN OPPOSITION TO SENATE BILL 165
JUVENILE COURT – JURISDICTION

I write in opposition to Senate Bill 165 that would start all serious criminal cases in Juvenile Court and require the State to waive the juvenile case to adult court. This is a dangerous and misplaced change in Maryland law. Let me tell you about a few of the defendant's whose cases will start in juvenile court if Senate Bill 165 becomes law.

On February 2, 2008 Nicholas Browning, who was 15 years old, shot his father in the head, shot his mother in the head and killed his younger brothers. All four died. Browning was 6'2" tall, 200lbs. with an IQ of 125 and was a honor student. Browning wore gloves and had a spare magazine on him. This was cold and calculated murder.

Also in 2008, Lewin Powell, who was 16 years old, beat his mother to death with a baseball bat. When his father arrived home, he tried to beat him to death. Powell was a student at McDonogh and beat his mother to death because she kept asking about his failing school grades.

All four of the defendants charged in the death of Officer Amy Caprio were juveniles. The four juveniles stole a car and were in the Perry Hall area of Baltimore County breaking into houses. Their method was for three to break into homes and one to man the getaway car. The one who was in the driver's seat was Dawnta Harris when he was confronted by Officer Amy Caprio. Do those Defendant's really deserve to start their cases in the Juvenile Court? The Circuit Court denied the juveniles who requested a waiver back to Juvenile Court. The driver, Dawnta Harris, who killed Officer Caprio was 16 years old when he committed his crime. He ran over Officer Caprio in cold blood. Officer Caprio confronted Harris when he was behind the wheel. He pretended to open the car door but then gunned the car running over her. He was convicted of Felony Murder and received a Life Sentence. Harris had a juvenile record of stealing cars. While awaiting trial in jail, he was cited for graffiti, pornography, and cussing at guards. His co-defendants were breaking into houses and each were convicted of Felony Murder and received 30 years in prison. All of their cases deserved to start in adult court.

In 1999 Felix Fitzgerald was an inmate at the Charles Hickey School and the victim was the school nurse. Keep in mind this crime happened in the place Defendant's will be housed if you change the law. Obviously since Fitzgerald was at the Hickey School he was still a juvenile. For some reason, the nurse's station was in the building with either the cafeteria or gym and was virtually deserted when those facilities were not being used. On the date of the incident, the Defendant jumped over the dutch door into the nurse's station that was a room not much bigger than a closet. He was

wearing a t-shirt over his face. He grabbed the nurse from behind, strangled her and anally raped her. No one could hear her pleas for help. Although the victim was a nurse, she was so traumatized by this incident that she could no longer work in that capacity and eventually moved out of State. The Defendant received a 40 year sentence for First Degree Sex Offense. Do we want him to start in a juvenile facility? That is in fact where he committed his crime. Where do you hold him while waiting for his waiver hearing, back at Hickey to reoffend?

Benjamin Garris currently 35, convicted of First Degree Murder committed at the age of 16. On October 8, 1995 the Baltimore County Police Department were called to the Sheppard Pratt Hospital for a suspicious condition. At a small cottage on the hospital property they found a small fire that had been ignited with a liquid accelerant. Throughout the cottage they found liquid chemicals that led to a propane tank on the second floor whose valve had been opened with gas leaking out. Found in the cottage was the body of Sharon Edwards, age 28, and the mother of 7 year old, who was working her first overnight shift. Ms. Edwards was a care provider at the cottage which provided residency to five male juveniles. Ms. Edwards was slashed and stabbed 26 times by Garris.

At the time of this incident it was home to three juvenile males. When the police arrived two of the juveniles were present and Benjamin Garris had fled. Found in Garris' room was documentation about setting fires and documents on how to kill people. Thankfully the fire had not consumed the building which would have taken two more lives.

Garris confessed to the murder telling police that when Ms. Edwards pled for her life he responded "You're dead. That's right and now you're nothing but a piece of meat."

During the murder he mimicked the ultra-violent actions from his favorite movie *A Clockwork Orange*.

I have examples of another **38** heinous crimes committed by juveniles from all over the State whose cases would start in Juvenile Court. With their cases starting in Juvenile Court they will likely reside in a juvenile facility for a year while a waiver hearing that requires a waiver summary can be prepared.

I urge an unfavorable report.